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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,888

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Mihai Florin Ionescu

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05/30/2008

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EXAMINER

LE, MICHAEL

ART UNIT

PAPER NUMBER

2163

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,888	<b>Applicant(s)</b> IONESCU, MIHAI FLORIN	
	<b>Examiner</b> MICHAEL LE	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,15-24,26-35 and 38-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-12,15-18,20-24,26-35,38-41 and 43-51 is/are allowed.
- 6) ☒ Claim(s) 19 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 17, 2008 has been entered.

### ***Summary and Status of Claims***

1. This Office Action is in response to Applicant's reply filed March 17, 2008.
2. Claims 50 and 51 are newly added.
3. Claims 1, 3-12, 15-24, 26-35, and 38-51 are pending.
4. Claims 19 and 42 are rejected under 35 U.S.C. 112, second paragraph.
5. Claims 1, 3-12, 15-18, 20-24, 26-35, 38-41 and 43-51 are allowed.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 19 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. Claims 19 and 42 recite “wherein replicating the structure and content of the desired portion of the data store comprises...,” which attempts to further limit a limitation that does not exist in the parent claim. Thus, there is a lack of antecedent basis for this limitation in the claim. As a result, the limitations of claims 19 and 42 will be treated as additional limitations to their respective parent claims.

9. The prior art rejections to claims 19 and 42 below are made as best understood in light of the rejection under 35 U.S.C. 112, second paragraph addressed above.

#### ***Response to Arguments***

#### **Rejection of claims 1, 3-12, 15-24, 25-35 and 38-49 under 35 U.S.C. 103(a)**

10. Applicant’s arguments in regards to the rejections to claims 1, 3-12, 15-24, 25-35 and 38-49 under 35 U.S.C. 103(a), have been fully considered and they are persuasive. Consequently, the rejection to claims 1, 3-12, 15-24, 25-35 and 38-49 under 35 U.S.C. 103(a) is withdrawn

#### ***Allowable Subject Matter***

11. Claims 1, 3-12, 15-18, 20-24, 26-35, 38-41 and 43-51 are allowed.

12. Claims 19 and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. The following is an examiner’s statement of reasons for allowance:

14. The instant invention is directed toward a method of identifying a portion of a data store for replication, wherein the portion could potentially be the entire data store.

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15. In particular, the novel feature of the instant invention is the method of identifying the desired portion of the data store to be replicated. The instant invention performs several steps, which are recited in each of the independent claims, to identify the desired portion. The first step identifies a first result set of articles that are relevant to a search query. Within this first result set, frequently occurring terms (or words as claimed in a dependent claim) are identified within the articles. Using at least in part the identified frequently occurring terms, a second result set of articles is identified. Subsequently, stored events associated with the articles in the second result set are identified along with its corresponding portion of the index. The desired portion constitutes the identified stored events associated with the articles of the second result set and its corresponding portion of the index. This desired portion is then replicated and stored on a storage medium.

16. As will be discussed below, this novel method of identified a portion of a data store to be replicated is not anticipated by the prior art and is not obvious in view of the closest prior art.

17. The closest prior art is as follows:

18. **Vleet et al. (US Patent Pub 2005/0033803)** discloses a system that stores event data of a user. In particular, the event data consists of a user's interactions during a web site browsing session. Vleet at abstract. The event data is made available to other applications and services to provide personalized search results based on the event data. Vleet at abstract; para. 0056. Vleet, however, fails to disclose the novel identification process of the instant invention. In particular, Vleet fails to disclose the steps of identifying frequently occurring terms, identifying a second result set based on the frequently occurring terms and identifying events based on the second result set. In addition, Vleet does not discuss replication of the event database.

19. **Rivette et al. (US Patent 5,806,079)** discloses a database system that stores notes, which are indications of a user's activity with articles (e.g., spreadsheets, documents, etc.), that allow a user to select a portion of the database to be replicated to another database. The portions can be searched based on various criteria such as creator (i.e., profile information). Rivette at col. 21, lines 4-36. Rivette further discloses the ability to search for notes, sub-notes, links and data objects using multiple iteration or recursive search. Rivette at col. 24, lines 54-67; col. 36, lines 13-7. Although Rivette discloses the ability to identify a portion of an notes (i.e., event) database to be replicated, Rivette fails to disclose the steps of creating a first result set and a second result set based on frequently occurring terms within articles of the first result set and identifying the events that are associated with the articles of the second result set. Instead, Rivette identifies a portion of the data store by utilizing the framework of the notes and sub-notes, as they are all inter-related.

20. **The combination of Vleet and Rivette** does not render the novel features of the instant invention obvious. What is missing is still the steps of creating a first result set and a second result set based on frequently occurring terms within articles of the first result set and identifying the events that are associated with the articles of the second result set.

21. It is well known to determine frequently occurring terms in articles and using this determination in different methods. However, it would not be obvious to determine frequently occurring terms, identify another set of articles based on the frequently occurring terms and subsequently identifying event or interaction data associated with articles of the another set with its corresponding index portion for replication.

22. For the reasons above, claims 1, 3-12, 15-18, 20-24, 26-35, 38-41 and 43-51 are allowed.

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23. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Le/  
Examiner, Art Unit 2163  
May 31, 2008

/Wilson Lee/  
Primary Examiner, Art Unit 2163